

Notice of Allowability

Application No.

10/813,525

Examiner

MLouisa Lao, Ph.D.

Applicant(s)

HOWELL ET AL

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application dated 3/30/2004.
2. ☒ The allowed claim(s) is/are 11-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 6/30/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 1/24/2007
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 1621

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Catherine Sanchez, *Esq.* on January 26, 2007.

IN THE CLAIMS:

Claim 11: Please insert, in line 1, after the word perfluoropolyether, the phrase :

"having the formula $C_rF_{(2r+1)}-A-C_rF_{(2r+1)}$

in which each r is independently 3 to 6; if r = 3, both end groups $C_rF_{(2r+1)}$ are perfluoropropyl radicals; A can be $O-(CF(CF_3)CF_2-O)_w$, $O-(CF_2-O)_x(CF_2CF_2-O)_y$, $O-(C_2F_4-O)_x$, $O-(C_2F_4-O)_x(C_3F_6-O)_y$, $O-(CF(CF_3)CF_2-O)_x(CF_2-O)_y$, $O(CF_2CF_2CF_2O)_w$, $O-(CF(CF_3)CF_2-O)_x(CF_2CF_2-O)_y-(CF_2-O)_z$, or combinations of

two or more thereof; w is 4 to 100; x, y, and z are each independently 1 to 100".

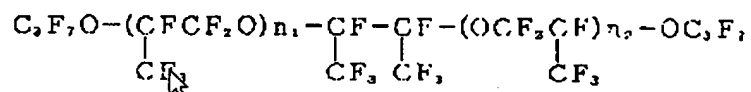
This is the phrase lifted from page 4 lines 28-32 continuing to page 5 lines 1-3, without the inclusion of the phrase in lines 2-3 for the definition of A, starting with the word "preferably" and ending with the word "thereof", as discussed with and agreed to by Ms. Sanchez.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Art Unit: 1621

The prior art is replete with processes for producing perfluoropolyethers and its analogues. However, the sequence of multiple steps recited in this application are neither taught nor disclosed in the prior art. For example, the prior art as in JP05-000982 (JP'982) recites the formula of a perfluoropolyethers having 3 carbon end groups, however, the process entails thermal initiation using a dipolyfluoroalkanoyl peroxide to arrive at the formula as shown:



JP'982 utilizes a different process for making a compound with perfluoroalkyl end groups having 3 or more carbons akin to the present invention. Thus, the prior art does not manifestly foreshadow the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MLouisa Lao, Ph.D. whose telephone number is 571-272-9930. The examiner can normally be reached on 8:30am to 5:30pm Mondays to Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

'mll 01232007
MLouisa Lao, Ph.D.
Examiner
Art Unit 1621


SHAOJIA ANNA JIANG, PH.D.
SUPERVISORY PATENT EXAMINER

For THURMAN PAGE
SUPERVISORY PATENT EXAMINER
GAU 1621

Claim 11: Please insert, in line 1, after the word perfluoropolyether, the phrase :
having the formula lifted from page 4 lines 28-32 continuing to page 5 lines 1-3, without the inclusion of the phrase in
lines 2-3 for the definition of A, starting with the word "preferably" and ending with the word "thereof", as discussed
with and agreed to by Ms. Sanchez.